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**Pro Hac Vice*

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION

AMANDA CAUDEL, ALLISON
 CARRANZA-MORENO, CATHY
 DIOMARTICH, AND SHANEY SCOTT,
individually, and on behalf of those
similarly situated,

Plaintiffs,

v.

AMAZON.COM, INC.,

Defendant.

Case No. 2:20-cv-00848-KJM-KJN

**JOINT STIPULATION TRANSFERRING
 VENUE TO THE U.S. DISTRICT COURT
 FOR THE WESTERN DISTRICT OF
 WASHINGTON; ORDER**

1 This Joint Stipulation is made with reference to the following facts:

- 2 1. Defendant Amazon.com, Inc. (“Amazon”) filed a motion to dismiss on October
3 26, 2020 (Dkt. No. 14);
- 4 2. The Court granted Amazon’s Motion to Dismiss on October 15, 2021 (Dkt. No.
5 36) without prejudice, allowing Plaintiff opportunity to amend her complaint;
- 6 3. The Court entered a Minute Order on December 22, 2021 (Dkt. No. 39) permitting
7 Plaintiff to file an amended complaint;
- 8 4. Plaintiff filed her First Amended Complaint (Dkt. No. 40) on January 5, 2022, in
9 which she added additional plaintiffs to this matter;
- 10 5. By stipulation, the Parties conferred and agreed Amazon’s responsive pleading
11 would be due approximately 45 days (on or before February 22, 2022) following
12 the filing of the First Amended Complaint, and that stipulation was entered by this
13 Court’s Order (Dkt. No. 42) on January 21, 2022;
- 14 6. On November 19, 2021, undersigned Plaintiffs’ counsel initiated an action in the
15 U.S. District Court for the Southern District of New York, *Baron v. Amazon Inc.*,
16 No. 1:21-cv-09636 (Dkt. No. 1) (S.D.N.Y. Nov. 19, 2021) (the “*Baron Action*”).
17 The *Baron Action* concerns the same subject matter as the instant action;
- 18 7. Since the re-filing of the instant action and the *Baron Action*, counsel for the
19 Parties have met and conferred as to measures to coordinate the two actions in
20 order to conserve judicial resources and for the convenience of the Parties;
- 21 8. The Parties agreed that stipulating to and jointly requesting transfer of the instant
22 action and the *Baron Action* to the U.S. District Court for the Western District of
23 Washington, where Amazon resides, would further those goals;
- 24 9. Specifically, the Parties agreed that transfer would promote convenience for the
25 Parties and witnesses by allowing both matters to be heard in one forum and would
26 conserve judicial and party resources by eliminating motion practice related to the
27 forum-selection clause in Amazon’s Conditions of Use. By entering into this
28 stipulation, neither Party waives any claims, defenses, or arguments as to

Amazon's Conditions of Use, including as to whether or how the Conditions of Use bear on Plaintiffs' claims;

10. On February 22, 2022, the Parties jointly requested a thirty (30) day extension of time for Amazon to respond to the First Amended Complaint (Dkt. No. 43), during which time the Parties expected to finalize and file the aforementioned stipulation requesting transfer;

11. On February 24, 2022, the Parties jointly requested the same relief in the *Baron Action*. *Baron v. Amazon Inc.*, No. 1:21-cv-09636 (Dkt. No. 7) (S.D.N.Y. Feb. 24, 2022);

12. This Court entered a Minute Order on February 25, 2022, granting the stipulated extension of time and ordering that Amazon's response to Plaintiffs' First Amended Complaint shall be filed on or before March 24, 2022 (Dkt No. 44);

13. In the *Baron Action*, on February 25, 2022, the U.S. District Court for the Southern District of New York entered an order granting the stipulated extension of time and ordering that Amazon's response to that Complaint be filed no later than March 28, 2022. *Baron v. Amazon Inc.*, No. 1:21-cv-09636 (Dkt. No. 8) (S.D.N.Y. Feb. 25, 2022);

14. Consistent with the Parties' stipulation, the Parties jointly request transfer of the instant action to the U.S. District Court for the Western District of Washington;

15. The parties in the *Baron Action* intend to jointly request the same relief in that case;

16. Upon transfer to the Western District of Washington of the instant action by this Court and of the *Baron Action* by the Southern District of New York, the Parties will meet and confer regarding potential consolidation of the actions, a consolidated amended complaint, and a proposed schedule for responding to any amended complaint.

Accordingly, the parties HEREBY STIPULATE and request that the Court transfer this action to the U.S. District Court for the Western District of Washington.

1 Respectfully submitted,

2
3 DATED: March 22, 2022
4

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ORDER

The stipulation complies with 28 U.S.C. §§ 1404 and 1391 and transfer is appropriate. Accordingly, this case is transferred to the U.S. District Court for the Western District of Washington.

IT IS SO ORDERED.

DATED: March 25, 2022.


CHIEF UNITED STATES DISTRICT JUDGE